



**Dallas County Conservation Board**  
Forest Park Museum  
1477 K Avenue  
Perry, Iowa 50220

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**Mike Wallace, Director**

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November 28, 2005

Vernon A. Williams, Secretary  
Surface Transportation Board  
1925 "K" Street, NW  
Washington, D.C. 20423-0001



**BEFORE THE SURFACE TRANSPORTATION BOARD**

RE: Union Pacific Railroad Abandonment, DALLAS County, Iowa;  
Docket # AB-33 (Sub-No. 213X) between milepost 296.8 near Waukee to milepost 275.9 (equation M.P 275.9=361.8) near Perry, and from milepost 361.8 to milepost 369.0 near Dawson, Dallas County, Iowa.

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**Motion to Extend the Time Period for Negotiation of an  
Interim Trail Use/Railbanking Agreement**

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In partnership with the Iowa Natural Heritage Foundation (INHF) the Dallas County Conservation Board (public agency) hereby moves the Surface Transportation Board (STB or Board) to extend the time period for negotiation of a mutually acceptable interim trail use/railbanking agreement in this proceeding up and including **April 12, 2006**.

Dallas County and Iowa Natural Heritage Foundation have been negotiating with the Union Pacific Railroad (UPRR), but the parties need additional time to complete the negotiations and obtain grant funds for acquisition.

To successfully preserve this corridor for interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. 1247 (d), it is necessary for the negotiation period under the NITU to be extended up to and including April 12, 2006.  
See Policy Statement on Rails to Trails

**Members of the Board**

Shirley Kiefer

Doug Volz

Craig Fleishman

Dennis Sondgeroth

Ray Harden

Conversions, Ex Parte No. 274 (Sub. No. 13b) (ICC served Feb. 5, 1990)  
(extensions of time promote the establishment of trails and railbanking  
consistent with the National Trails System Act).

Since the issuance of the NITU, UPRR at all points has maintained intent to transfer the line intact for interim trail use. The railroad has not sold, or offered for sale, any parcels of land that would interfere with interim trail use and railbanking of the portion of the corridor that is covered by the NITU. The line remains intact and throughout the period, the railroad has been negotiating with INHF for the transfer or sale of the corridor intact. Accordingly, the Board retains jurisdiction to extend the NITU to continue bona fide and active negotiations for interim trail use of the line.

In similar instances, this Board has reopened proceedings to permit the issuance of orders implementing section 8(d) for rail lines. The STB's authority to extend a NITU was upheld in Birt v. STB, 90 F.3d 580 (D.C. Cir. 1996). Here the parties merely seek and extension in the period for negotiation provided in a previously issued NITU. Such an extension will promote and further the purposes of the Trails Act.

For the reasons stated the Dallas County Conservation Board and Iowa Natural Heritage Foundation request that an extension of the NITU negotiation period be granted through **April 12, 2006**.

Respectfully Submitted,



Mike Wallace  
Director  
Dallas County Conservation Board

cc: Iowa Natural Heritage Foundation



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### CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2005, a true and accurate copy of the foregoing motion has been served to the following party via first-class mail, postage pre-paid and VIA FAX to 312-777-2065.

Mack H. Shumate, Jr.  
Union Pacific Railroad  
101 N. Wacker Dr. Rm 1920  
Chicago, IL 60606-1718

Mike Wallace, Director  
Dallas County Conservation Board

c: Iowa Natural Heritage Foundation

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